

1-1 By: Shapiro S.B. No. 6
1-2 (In the Senate - Filed March 10, 2011; March 14, 2011, read
1-3 first time and referred to Committee on Education; April 4, 2011,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 9, Nays 0; April 4, 2011, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 6 By: Shapiro

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the foundation curriculum, the establishment of the
1-10 instructional materials allotment, and the adoption, review, and
1-11 purchase of instructional materials and technological equipment
1-12 for public schools.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subdivision (28), Subsection (b), Section 7.055,
1-15 Education Code, is amended to read as follows:

1-16 (28) The commissioner shall perform duties relating to
1-17 the funding, adoption, and purchase of instructional materials
1-18 [~~textbooks~~] under Chapter 31.

1-19 SECTION 2. Subsection (f), Section 7.056, Education Code,
1-20 is amended to read as follows:

1-21 (f) A school district or campus that is required to develop
1-22 and implement a student achievement improvement plan under Section
1-23 39.102 or 39.103 may receive an exemption or waiver under this
1-24 section from any law or rule other than:

1-25 (1) a prohibition on conduct that constitutes a
1-26 criminal offense;

1-27 (2) a requirement imposed by federal law or rule;

1-28 (3) a requirement, restriction, or prohibition
1-29 imposed by state law or rule relating to:

1-30 (A) public school accountability as provided by
1-31 Subchapters B, C, D, E, and J, Chapter 39; or

1-32 (B) educator rights and benefits under
1-33 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter
1-34 A, Chapter 22; or

1-35 (4) [~~textbook~~] selection of instructional materials
1-36 under Chapter 31.

1-37 SECTION 3. Subdivision (23), Subsection (c), Section 7.102,
1-38 Education Code, is amended to read as follows:

1-39 (23) The board shall adopt and purchase or license
1-40 instructional materials [~~textbooks~~] as provided by Chapter 31 and
1-41 adopt rules required by that chapter.

1-42 SECTION 4. Subsections (a) and (c), Section 7.108,
1-43 Education Code, are amended to read as follows:

1-44 (a) A person interested in selling bonds of any type or a
1-45 person engaged in manufacturing, shipping, selling, or advertising
1-46 instructional materials [~~textbooks~~] or otherwise connected with
1-47 the instructional material [~~textbook~~] business commits an offense
1-48 if the person makes or authorizes a political contribution to or
1-49 takes part in, directly or indirectly, the campaign of any person
1-50 seeking election to or serving on the board.

1-51 (c) In this section:

1-52 (1) "Instructional material" has the meaning assigned
1-53 by Section 31.002.

1-54 (2) "Political contribution" has the meaning assigned
1-55 by Section 251.001, Election Code.

1-56 [~~(2) "Textbook" has the meaning assigned by Section~~
1-57 ~~31.002.~~]

1-58 SECTION 5. The heading to Section 7.112, Education Code, is
1-59 amended to read as follows:

1-60 Sec. 7.112. REPRESENTATION OF [~~TEXTBOOK~~] PUBLISHER OF
1-61 INSTRUCTIONAL MATERIALS BY FORMER MEMBER OF BOARD.

1-62 SECTION 6. Subsection (a), Section 7.112, Education Code,
1-63 is amended to read as follows:

2-1 (a) A former member of the State Board of Education who is
 2-2 employed by or otherwise receives compensation from a [~~textbook~~]
 2-3 publisher of instructional materials may not, before the second
 2-4 anniversary of the date on which the person last served as a member
 2-5 of the State Board of Education:

2-6 (1) confer with a member of the board of trustees of a
 2-7 school district concerning instructional materials [~~a textbook~~]
 2-8 published by that [~~textbook~~] publisher; or

2-9 (2) appear at a meeting of the board of trustees on
 2-10 behalf of the [~~textbook~~] publisher.

2-11 SECTION 7. Subdivision (2), Subsection (c), Section 7.112,
 2-12 Education Code, is amended to read as follows:

2-13 (2) "Instructional material" and "publisher"
 2-14 [~~"Publisher" and "textbook"~~] have the meanings assigned by Section
 2-15 31.002.

2-16 SECTION 8. Subsection (b), Section 11.158, Education Code,
 2-17 is amended to read as follows:

2-18 (b) The board may not charge fees for:

2-19 (1) instructional materials [~~textbooks~~], workbooks,
 2-20 laboratory supplies, or other supplies necessary for participation
 2-21 in any instructional course except as authorized under this code;

2-22 (2) field trips required as a part of a basic education
 2-23 program or course;

2-24 (3) any specific form of dress necessary for any
 2-25 required educational program or diplomas;

2-26 (4) the payment of instructional costs for necessary
 2-27 school personnel employed in any course or educational program
 2-28 required for graduation;

2-29 (5) library materials [~~books~~] required to be used for
 2-30 any educational course or program, other than fines for lost,
 2-31 damaged, or overdue materials [~~books~~];

2-32 (6) admission to any activity the student is required
 2-33 to attend as a prerequisite to graduation;

2-34 (7) admission to or examination in any required
 2-35 educational course or program; or

2-36 (8) lockers.

2-37 SECTION 9. Subsection (a), Section 11.164, Education Code,
 2-38 is amended to read as follows:

2-39 (a) The board of trustees of each school district shall
 2-40 limit redundant requests for information and the number and length
 2-41 of written reports that a classroom teacher is required to prepare.
 2-42 A classroom teacher may not be required to prepare any written
 2-43 information other than:

2-44 (1) any report concerning the health, safety, or
 2-45 welfare of a student;

2-46 (2) a report of a student's grade on an assignment or
 2-47 examination;

2-48 (3) a report of a student's academic progress in a
 2-49 class or course;

2-50 (4) a report of a student's grades at the end of each
 2-51 grade reporting period;

2-52 (5) a [~~textbook~~] report on instructional materials;

2-53 (6) a unit or weekly lesson plan that outlines, in a
 2-54 brief and general manner, the information to be presented during
 2-55 each period at the secondary level or in each subject or topic at
 2-56 the elementary level;

2-57 (7) an attendance report;

2-58 (8) any report required for accreditation review;

2-59 (9) any information required by a school district that
 2-60 relates to a complaint, grievance, or actual or potential
 2-61 litigation and that requires the classroom teacher's involvement;
 2-62 or

2-63 (10) any information specifically required by law,
 2-64 rule, or regulation.

2-65 SECTION 10. Subsection (e), Section 19.007, Education Code,
 2-66 is amended to read as follows:

2-67 (e) The district may participate in the instructional
 2-68 materials [~~textbook~~] program under Chapter 31.

2-69 SECTION 11. Subsections (a) and (c), Section 26.006,

3-1 Education Code, are amended to read as follows:

3-2 (a) A parent is entitled to:

3-3 (1) review all teaching materials, instructional
 3-4 materials [~~textbooks~~], and other teaching aids used in the
 3-5 classroom of the parent's child; and

3-6 (2) review each test administered to the parent's
 3-7 child after the test is administered.

3-8 (c) A student's parent is entitled to request that the
 3-9 school district or open-enrollment charter school the student
 3-10 attends allow the student to take home any instructional materials
 3-11 [~~textbook~~] used by the student. Subject to the availability of the
 3-12 instructional materials [~~a textbook~~], the district or school shall
 3-13 honor the request. A student who takes home instructional
 3-14 materials [~~a textbook~~] must return the instructional materials
 3-15 [~~textbook~~] to school at the beginning of the next school day if
 3-16 requested to do so by the student's teacher. In this subsection,
 3-17 "instructional material" [~~"textbook"~~] has the meaning assigned by
 3-18 Section 31.002.

3-19 SECTION 12. Subsections (a), (c), (h), and (n), Section
 3-20 28.002, Education Code, are amended to read as follows:

3-21 (a) Each school district that offers kindergarten through
 3-22 grade 12 shall offer, as a required curriculum:

3-23 (1) a foundation curriculum that includes:

3-24 (A) English language arts;

3-25 (B) mathematics;

3-26 (C) science; and

3-27 (D) social studies, consisting of Texas, United
 3-28 States, and world history, government, economics, with emphasis on
 3-29 the free enterprise system and its benefits, and geography; and

3-30 (2) an enrichment curriculum that includes:

3-31 (A) to the extent possible, languages other than
 3-32 English;

3-33 (B) health, with emphasis on the importance of
 3-34 proper nutrition and exercise;

3-35 (C) physical education;

3-36 (D) fine arts;

3-37 (E) [~~economics, with emphasis on the free~~
 3-38 ~~enterprise system and its benefits~~;

3-39 [~~(F)~~] career and technology education;

3-40 (F) [~~(G)~~] technology applications; and

3-41 (G) [~~(H)~~] religious literature, including the
 3-42 Hebrew Scriptures (Old Testament) and New Testament, and its impact
 3-43 on history and literature.

3-44 (c) The State Board of Education, with the direct
 3-45 participation of educators, parents, business and industry
 3-46 representatives, and employers shall by rule identify the essential
 3-47 knowledge and skills of each subject of the required curriculum
 3-48 that all students should be able to demonstrate and that will be
 3-49 used in evaluating instructional materials [~~textbooks~~] under
 3-50 Chapter 31 and addressed on the assessment instruments required
 3-51 under Subchapter B, Chapter 39. As a condition of accreditation,
 3-52 the board shall require each district to provide instruction in the
 3-53 essential knowledge and skills at appropriate grade levels.

3-54 (h) The State Board of Education and each school district
 3-55 shall foster the continuation of the tradition of teaching United
 3-56 States and Texas history and the free enterprise system in regular
 3-57 subject matter and in reading courses and in the adoption of
 3-58 instructional materials [~~textbooks~~]. A primary purpose of the
 3-59 public school curriculum is to prepare thoughtful, active citizens
 3-60 who understand the importance of patriotism and can function
 3-61 productively in a free enterprise society with appreciation for the
 3-62 basic democratic values of our state and national heritage.

3-63 (n) The State Board of Education may by rule develop and
 3-64 implement a plan designed to incorporate foundation curriculum
 3-65 requirements into the career and technology education curriculum
 3-66 under Subsection (a)(2)(E) [~~(a)(2)(F)~~].

3-67 SECTION 13. Subsections (a) and (d), Section 28.0022,
 3-68 Education Code, are amended to read as follows:

3-69 (a) Not later than November 1, 2007, the agency shall

4-1 establish a panel under this section to:

4-2 (1) review and recommend revisions to the career and

4-3 technical education curriculum under Section 28.002(a)(2)(E)

4-4 [~~28.002(a)(2)(F)~~]; and

4-5 (2) review and recommend revisions for the program in

4-6 which high schools and articulated postsecondary institutions

4-7 allow high school students to take advanced technical credit

4-8 courses.

4-9 (d) Not later than November 1, 2008, the panel shall:

4-10 (1) complete the review as required by this section

4-11 of:

4-12 (A) the career and technical education

4-13 curriculum; and

4-14 (B) the program under which high schools and

4-15 articulated postsecondary institutions allow high school students

4-16 to take advanced technical credit courses; and

4-17 (2) make recommendations to the State Board of

4-18 Education as necessary to:

4-19 (A) increase the academic rigor of the career and

4-20 technical education curriculum under Section 28.002(a)(2)(E)

4-21 [~~28.002(a)(2)(F)~~]; and

4-22 (B) improve and increase participation in the

4-23 program under which high schools and articulated postsecondary

4-24 institutions allow high school students to take advanced technical

4-25 credit courses.

4-26 SECTION 14. Subsection (b), Section 28.003, Education Code,

4-27 is amended to read as follows:

4-28 (b) In this section, "educational program" means a course or

4-29 series of courses in the required curriculum under Section 28.002,

4-30 other than a fine arts course under Section 28.002(a)(2)(D) or a

4-31 career and technology course under Section 28.002(a)(2)(E)

4-32 [~~28.002(a)(2)(F)~~].

4-33 SECTION 15. Subsection (c), Section 28.011, Education Code,

4-34 is amended to read as follows:

4-35 (c) A student may not be required to use a specific

4-36 translation as the sole text of the Hebrew Scriptures or New

4-37 Testament and may use as the basic instructional material

4-38 [~~textbook~~] a different translation of the Hebrew Scriptures or New

4-39 Testament from that chosen by the board of trustees of the student's

4-40 school district or the student's teacher.

4-41 SECTION 16. The heading to Chapter 31, Education Code, is

4-42 amended to read as follows:

4-43 CHAPTER 31. INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~]

4-44 SECTION 17. Section 31.001, Education Code, is amended to

4-45 read as follows:

4-46 Sec. 31.001. FREE INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~].

4-47 Instructional materials [~~Textbooks~~] selected for use in the public

4-48 schools shall be furnished without cost to the students attending

4-49 those schools. Except as provided by Section 31.104(d), a school

4-50 district may not charge a student for instructional material or

4-51 technological equipment purchased by the district with the

4-52 district's instructional materials allotment.

4-53 SECTION 18. Subdivisions (1), (1-a), (2), and (4), Section

4-54 31.002, Education Code, are amended to read as follows:

4-55 (1) "Instructional material" [~~"Electronic textbook"~~]

4-56 means content that conveys the essential knowledge and skills of a

4-57 subject in the public school curriculum through a medium or a

4-58 combination of media for conveying information to a student. The

4-59 term includes a book, supplementary materials, a combination of a

4-60 book, workbook, and supplementary materials, computer software,

4-61 [~~interactive videodisc,~~] magnetic media, DVD, CD-ROM, computer

4-62 courseware, on-line services, or an electronic medium, or other

4-63 means of conveying information to the student or otherwise

4-64 contributing to the learning process through electronic means,

4-65 including [an] open-source instructional material [~~textbook~~].

4-66 (1-a) "Open-source instructional material"

4-67 [~~textbook~~] means [an] electronic instructional material

4-68 [~~textbook~~] that is available for downloading from the Internet at

4-69 no charge to a student and without requiring the purchase of an

5-1 unlock code, membership, or other access or use charge, except for a
 5-2 charge to order an optional printed copy of all or part of the
 5-3 instructional material [~~textbook~~]. The term includes [~~a~~]
 5-4 state-developed open-source instructional material [~~textbook~~]
 5-5 purchased under Subchapter B-1.

5-6 (2) "Publisher" includes an on-line service or a
 5-7 developer or distributor of [~~an~~] electronic instructional
 5-8 materials [~~textbook~~].

5-9 (4) "Technological equipment" means hardware, a
 5-10 device, or equipment necessary for:

5-11 (A) instructional use in the classroom,
 5-12 including to gain access to or enhance the use of [~~an~~] electronic
 5-13 instructional materials [~~textbook~~]; or

5-14 (B) professional use by a classroom teacher.

5-15 SECTION 19. Subchapter A, Chapter 31, Education Code, is
 5-16 amended by amending Sections 31.003 and 31.004 and adding Section
 5-17 31.005 to read as follows:

5-18 Sec. 31.003. RULES. The State Board of Education may adopt
 5-19 rules, consistent with this chapter, for the adoption, requisition,
 5-20 distribution, care, use, and disposal of instructional materials
 5-21 [~~textbooks~~].

5-22 Sec. 31.004. CERTIFICATION OF PROVISION OF [~~TEXTBOOKS,~~
 5-23 ~~ELECTRONIC TEXTBOOKS, AND~~] INSTRUCTIONAL MATERIALS. Each school
 5-24 district and open-enrollment charter school shall annually certify
 5-25 to the State Board of Education and the commissioner that, for each
 5-26 subject in the required curriculum under Section 28.002 and each
 5-27 grade level, the district provides each student with [~~textbooks,~~
 5-28 ~~electronic textbooks, or~~] instructional materials that cover all
 5-29 elements of the essential knowledge and skills adopted by the State
 5-30 Board of Education for that subject and grade level.

5-31 Sec. 31.005. FUNDING FOR OPEN-ENROLLMENT CHARTER SCHOOLS.
 5-32 An open-enrollment charter school is entitled to the instructional
 5-33 materials allotment under this chapter and is subject to this
 5-34 chapter as if the school were a school district.

5-35 SECTION 20. The heading to Section 31.021, Education Code,
 5-36 is amended to read as follows:

5-37 Sec. 31.021. STATE INSTRUCTIONAL MATERIALS [~~TEXTBOOK~~]
 5-38 FUND.

5-39 SECTION 21. Section 31.021, Education Code, is amended by
 5-40 amending Subsections (a) and (d) and adding Subsection (c) to read
 5-41 as follows:

5-42 (a) The state instructional materials [~~textbook~~] fund
 5-43 consists of:

5-44 (1) an amount set aside by the State Board of Education
 5-45 from the available school fund, in accordance with Section
 5-46 43.001(d); and

5-47 (2) [~~all funds accruing from the state's sale of~~
 5-48 ~~disused textbooks, and~~

5-49 [~~(3)~~] all amounts lawfully paid into the fund from any
 5-50 other source.

5-51 (c) Money in the state instructional materials fund shall be
 5-52 used to:

5-53 (1) fund the instructional materials allotment, as
 5-54 provided by Section 31.0211;

5-55 (2) purchase special instructional materials for the
 5-56 education of blind and visually impaired students in public
 5-57 schools;

5-58 (3) pay the expenses associated with the instructional
 5-59 materials adoption and review process under this chapter;

5-60 (4) pay the expenses associated with the purchase or
 5-61 licensing of open-source instructional material, to the extent
 5-62 authorized by the General Appropriations Act; and

5-63 (5) pay the expenses associated with the purchase of
 5-64 instructional material, including freight, shipping, and insurance
 5-65 expenses.

5-66 (d) Money transferred to the state instructional materials
 5-67 [~~textbook~~] fund remains in the fund until spent and does not lapse
 5-68 to the state at the end of the fiscal year.

5-69 SECTION 22. Subchapter B, Chapter 31, Education Code, is

6-1 amended by adding Sections 31.0211, 31.0212, 31.0213, and 31.0214
6-2 to read as follows:

6-3 Sec. 31.0211. INSTRUCTIONAL MATERIALS ALLOTMENT. (a) A
6-4 school district is entitled to an annual allotment from the state
6-5 instructional materials fund for each student enrolled in the
6-6 district on a date during the preceding school year specified by the
6-7 commissioner. The commissioner shall determine the amount of the
6-8 allotment per student each year on the basis of the amount of money
6-9 available in the state instructional materials fund to fund the
6-10 allotment. An allotment under this section shall be transferred
6-11 from the state instructional materials fund to the credit of the
6-12 district's instructional materials account as provided by Section
6-13 31.0212.

6-14 (b) A juvenile justice alternative education program under
6-15 Section 37.011 is entitled to an allotment from the state
6-16 instructional materials fund in an amount determined by the
6-17 commissioner. The program shall use the allotment to purchase
6-18 items listed in Subsection (c) for students enrolled in the
6-19 program. The commissioner's determination under this subsection is
6-20 final and may not be appealed.

6-21 (c) Subject to Subsection (d), funds allotted under this
6-22 section may be used to:

6-23 (1) purchase:

6-24 (A) materials on the list adopted by the
6-25 commissioner, as provided by Section 31.0231;

6-26 (B) instructional materials, regardless of
6-27 whether the instructional materials are on the conforming or
6-28 nonconforming list, as provided by Section 31.024;

6-29 (C) consumable instructional materials,
6-30 including workbooks;

6-31 (D) instructional materials for use in bilingual
6-32 education classes, as provided by Section 31.029;

6-33 (E) supplemental instructional materials, as
6-34 provided by Section 31.035;

6-35 (F) state-developed open-source instructional
6-36 materials, as provided by Subchapter B-1;

6-37 (G) instructional materials and technological
6-38 equipment under any continuing contracts of the district in effect
6-39 on September 1, 2011; and

6-40 (H) technological equipment necessary to support
6-41 the use of materials included on the list adopted by the
6-42 commissioner under Section 31.0231 or any instructional materials
6-43 purchased with an allotment under this section; and

6-44 (2) pay for training educational personnel directly
6-45 involved in student learning in the appropriate use of
6-46 instructional materials and for providing for access to
6-47 technological equipment for instructional use.

6-48 (d) Each year a school district shall use the district's
6-49 allotment under this section to purchase, in the following order:

6-50 (1) instructional materials necessary to permit the
6-51 district to certify that the district has instructional materials
6-52 that cover all elements of the essential knowledge and skills of the
6-53 required curriculum for each grade level as required by Section
6-54 28.002; and

6-55 (2) any other instructional materials or
6-56 technological equipment as determined by the district.

6-57 (e) Not later than May 31 of each school year, a school
6-58 district may request that the commissioner adjust the number of
6-59 students for which the district is entitled to receive an allotment
6-60 under Subsection (a) on the grounds that the number of students
6-61 attending school in the district will increase or decrease during
6-62 the school year for which the allotment is provided. The
6-63 commissioner may also adjust the number of students for which a
6-64 district is entitled to receive an allotment, without a request by
6-65 the district, if the commissioner determines that a different
6-66 number of students is a more accurate reflection of students who
6-67 will be attending school in the district. The commissioner's
6-68 determination under this subsection is final.

6-69 (f) The commissioner may adopt rules as necessary to

7-1 implement this section.

7-2 Sec. 31.0212. INSTRUCTIONAL MATERIALS ACCOUNT. (a) The
 7-3 commissioner shall maintain an instructional materials account for
 7-4 each school district. Each school year, the commissioner shall
 7-5 deposit in the account for each district the amount of the
 7-6 district's instructional materials allotment under Section
 7-7 31.0211.

7-8 (b) The commissioner shall pay the cost of instructional
 7-9 materials requisitioned by a school district under Section 31.103
 7-10 using funds from the district's instructional materials account.

7-11 (c) A school district may also use funds in the district's
 7-12 account to purchase electronic instructional materials or
 7-13 technological equipment. The district shall submit to the
 7-14 commissioner a request for funds for this purpose from the
 7-15 district's account. The commissioner shall adopt rules regarding
 7-16 the documentation a school district must submit to receive funds
 7-17 under this subsection.

7-18 (d) Money deposited in a school district's instructional
 7-19 materials account during each state fiscal biennium remains in the
 7-20 account and available for use by the district for the entire
 7-21 biennium. At the end of each biennium, a district with unused money
 7-22 in the district's account may carry forward any remaining balance
 7-23 to the next biennium.

7-24 (e) The commissioner may adopt rules as necessary to
 7-25 implement this section.

7-26 Sec. 31.0213. CERTIFICATION OF USE OF INSTRUCTIONAL
 7-27 MATERIALS ALLOTMENT. Each school district shall annually certify
 7-28 to the commissioner that the district's instructional materials
 7-29 allotment has been used only for expenses allowed by Section
 7-30 31.0211.

7-31 Sec. 31.0214. ADJUSTMENT FOR HIGH ENROLLMENT GROWTH
 7-32 DISTRICTS. (a) Each year the commissioner shall adjust the
 7-33 instructional materials allotment of school districts experiencing
 7-34 high enrollment growth. The commissioner shall establish a
 7-35 procedure for determining high enrollment growth districts
 7-36 eligible to receive an adjustment under this section and the amount
 7-37 of the instructional materials allotment those districts will
 7-38 receive.

7-39 (b) The commissioner may adopt rules as necessary to
 7-40 implement this section.

7-41 SECTION 23. The heading to Section 31.022, Education Code,
 7-42 is amended to read as follows:

7-43 Sec. 31.022. INSTRUCTIONAL MATERIALS [~~TEXTBOOK~~] REVIEW AND
 7-44 ADOPTION.

7-45 SECTION 24. Subsections (a), (b), (c), (e), and (f),
 7-46 Section 31.022, Education Code, are amended to read as follows:

7-47 (a) The State Board of Education shall adopt a review and
 7-48 adoption cycle for instructional materials [~~textbooks~~] for
 7-49 elementary grade levels, including prekindergarten, and secondary
 7-50 grade levels, for each subject in the required curriculum under
 7-51 Section 28.002. In adopting the cycle, the board:

7-52 (1) is not required to review and adopt instructional
 7-53 materials for all grade levels in a single year; and

7-54 (2) shall give priority to instructional materials in
 7-55 the following subjects:

7-56 (A) foundation curriculum subjects for which the
 7-57 essential knowledge and skills have been substantially revised and
 7-58 for which assessment instruments are required under Subchapter B,
 7-59 Chapter 39, including career and technology courses that satisfy
 7-60 foundation curriculum requirements as provided by Section
 7-61 28.002(n);

7-62 (B) foundation curriculum subjects for which the
 7-63 essential knowledge and skills have been substantially revised,
 7-64 including career and technology courses that satisfy foundation
 7-65 curriculum requirements as provided by Section 28.002(n);

7-66 (C) foundation curriculum subjects not described
 7-67 by Paragraph (A) or (B), including career and technology courses
 7-68 that satisfy foundation curriculum requirements as provided by
 7-69 Section 28.002(n); and

8-1 (D) enrichment curriculum subjects.

8-2 (b) The board shall organize the cycle for subjects in the
8-3 foundation curriculum so that not more than one-fourth [~~one-sixth~~]
8-4 of the instructional materials [~~textbooks~~] for subjects in the
8-5 foundation curriculum are reviewed each biennium [~~year~~]. The board
8-6 shall adopt rules to provide for a full and complete investigation
8-7 of instructional materials [~~textbooks~~] for each subject in the
8-8 foundation curriculum [~~at least~~] every eight [~~six~~] years. The
8-9 adoption of instructional materials [~~textbooks~~] for a subject in
8-10 the foundation curriculum may be extended beyond the eight-year
8-11 [~~six-year~~] period only if the content of instructional materials
8-12 [~~textbooks~~] for a subject is sufficiently current.

8-13 (c) The board shall adopt rules to provide for a full and
8-14 complete investigation of instructional materials [~~textbooks~~] for
8-15 each subject in the enrichment curriculum on a cycle the board
8-16 considers appropriate.

8-17 (e) The board shall designate a request for production of
8-18 instructional materials [~~textbooks~~] in a subject area and grade
8-19 level by the school year in which the instructional materials
8-20 [~~textbooks~~] are intended to be made available in classrooms and not
8-21 by the school year in which the board makes the request for
8-22 production.

8-23 (f) The board shall amend any request for production issued
8-24 for the purchase of instructional materials [~~textbooks~~] to conform
8-25 to the instructional materials [~~textbook~~] funding levels provided
8-26 by the General Appropriations Act for the year of implementation.

8-27 SECTION 25. Section 31.0221, Education Code, is amended to
8-28 read as follows:

8-29 Sec. 31.0221. MIDCYCLE REVIEW AND ADOPTION OF INSTRUCTIONAL
8-30 MATERIALS [~~TEXTBOOKS~~]. (a) The State Board of Education shall
8-31 adopt rules for the midcycle review and adoption of instructional
8-32 material [~~a textbook~~] for a subject for which instructional
8-33 materials [~~textbooks~~] are not currently under review by the board
8-34 under Section 31.022. The rules must require:

8-35 (1) the publisher of the instructional material
8-36 [~~textbook~~] to pay a fee to the board to cover the cost of the
8-37 midcycle review and adoption of the instructional material
8-38 [~~textbook~~];

8-39 (2) the publisher of the instructional material
8-40 [~~textbook~~] to enter into a contract with the board concerning the
8-41 instructional material [~~textbook~~] for a term that ends at the same
8-42 time as any contract entered into by the board for other
8-43 instructional materials [~~another textbook~~] for the same subject and
8-44 grade level; and

8-45 (3) a commitment from the publisher to provide the
8-46 instructional material [~~textbook~~] to school districts in the manner
8-47 specified by the publisher, which may include:

8-48 (A) providing the instructional material
8-49 [~~textbook~~] to any district in a regional education service center
8-50 area identified by the publisher; or

8-51 (B) providing a certain maximum number of
8-52 instructional materials [~~textbooks~~] specified by the publisher.

8-53 (b) Sections 31.023 and 31.024 apply to instructional
8-54 material [~~a textbook~~] adopted under this section. Section 31.027
8-55 does not apply to instructional material [~~a textbook~~] adopted under
8-56 this section.

8-57 SECTION 26. Section 31.023, Education Code, is amended to
8-58 read as follows:

8-59 Sec. 31.023. INSTRUCTIONAL MATERIAL [~~TEXTBOOK~~] LISTS.

8-60 (a) For each subject and grade level, the State Board of Education
8-61 shall adopt two lists of instructional materials [~~textbooks~~]. The
8-62 conforming list includes each instructional material [~~textbook~~]
8-63 submitted for the subject and grade level that meets applicable
8-64 physical specifications adopted by the State Board of Education and
8-65 contains material covering each element of the essential knowledge
8-66 and skills of the subject and grade level in the student version of
8-67 the instructional material [~~textbook~~], as well as in the teacher
8-68 version of the instructional material [~~textbook~~], as determined by
8-69 the State Board of Education under Section 28.002 and adopted under

9-1 Section 31.024. The nonconforming list includes each instructional
9-2 material [~~textbook~~] submitted for the subject and grade level that:
9-3 (1) meets applicable physical specifications adopted
9-4 by the State Board of Education;
9-5 (2) contains material covering at least half, but not
9-6 all, of the elements of the essential knowledge and skills of the
9-7 subject and grade level in the student version of the instructional
9-8 material [~~textbook~~], as well as in the teacher version of the
9-9 instructional material [~~textbook~~]; and
9-10 (3) is adopted under Section 31.024.
9-11 (b) Each instructional material [~~textbook~~] on a conforming
9-12 or nonconforming list must be free from factual errors.

9-13 SECTION 27. Section 31.0231, Education Code, is amended to
9-14 read as follows:
9-15 Sec. 31.0231. COMMISSIONER'S [~~ELECTRONIC TEXTBOOK AND~~
9-16 ~~INSTRUCTIONAL MATERIAL~~] LIST. (a) The commissioner shall adopt a
9-17 list of:
9-18 (1) electronic instructional material [~~textbooks~~];
9-19 and
9-20 (2) science [~~instructional~~] material that conveys
9-21 information to the student or otherwise contributes to the learning
9-22 process, including tools, models, and investigative materials
9-23 designed for use as part of the foundation curriculum for science in
9-24 kindergarten through grade five.

9-25 (b) A school district may select [~~an electronic textbook or~~
9-26 ~~instructional~~] material on the list adopted under Subsection (a) to
9-27 be funded by the district's instructional materials allotment
9-28 [~~state textbook fund~~] under Section 31.0211 [~~31.021~~].

9-29 (c) Before the commissioner places [~~an electronic textbook~~
9-30 ~~or instructional~~] material on the list adopted under Subsection
9-31 (a), the State Board of Education must be given an opportunity to
9-32 comment on the [~~electronic textbook or instructional~~] material.
9-33 Material [~~An electronic textbook or instructional material~~] placed
9-34 on the list adopted under Subsection (a):
9-35 (1) must be reviewed and recommended to the
9-36 commissioner by a panel of recognized experts in the subject area of
9-37 the [~~electronic textbook or instructional~~] material and experts in
9-38 education technology;
9-39 (2) must satisfy criteria adopted for the purpose by
9-40 commissioner rule; and
9-41 (3) must meet the National Instructional Materials
9-42 Accessibility Standard, to the extent practicable as determined by
9-43 the commissioner.

9-44 (d) The criteria adopted under Subsection (c)(2) must:
9-45 (1) include evidence of alignment with current
9-46 research in the subject for which the [~~electronic textbook or~~
9-47 ~~instructional~~] material is intended to be used;
9-48 (2) include coverage of the essential knowledge and
9-49 skills identified under Section 28.002 for the subject for which
9-50 the [~~electronic textbook or instructional~~] material is intended to
9-51 be used and identify:
9-52 (A) each of the essential knowledge and skills
9-53 for the subject and grade level or levels covered by the [~~electronic~~
9-54 ~~textbook or instructional~~] material; and
9-55 (B) the percentage of the essential knowledge and
9-56 skills for the subject and grade level or levels covered by the
9-57 [~~electronic textbook or instructional~~] material; and
9-58 (3) include appropriate training for teachers.

9-59 (e) The commissioner shall update, as necessary, the list
9-60 adopted under Subsection (a). Before the commissioner places [~~an~~
9-61 ~~electronic textbook or instructional~~] material on the updated list,
9-62 the requirements of Subsection (c) must be met. [~~Before the~~
9-63 ~~commissioner removes an electronic textbook or instructional~~
9-64 ~~material from the updated list, the removal must be recommended by a~~
9-65 ~~panel of recognized experts in the subject area of the electronic~~
9-66 ~~textbook or instructional material and experts in education~~
9-67 ~~technology.~~]
9-68 (f) After notice to the commissioner explaining in detail
9-69 the changes, the provider of [~~an electronic textbook or~~

10-1 ~~instructional~~ material on the list adopted under Subsection (a)
 10-2 may update the navigational features or management system related
 10-3 to the [~~electronic textbook or instructional~~] material.

10-4 (g) After notice to the commissioner and a review by the
 10-5 commissioner, the provider of [~~an electronic textbook or~~
 10-6 ~~instructional~~] material on the list adopted under Subsection (a)
 10-7 may update the content of the [~~electronic textbook or~~
 10-8 ~~instructional~~] material if needed to accurately reflect current
 10-9 knowledge or information.

10-10 (h) The commissioner shall adopt rules as necessary to
 10-11 implement this section. The rules must:

10-12 (1) be consistent with Section 31.151 regarding the
 10-13 duties of publishers and manufacturers, as appropriate, and the
 10-14 imposition of a reasonable administrative penalty; and

10-15 (2) require public notice of an opportunity for the
 10-16 submission of [~~an electronic textbook or instructional~~] material.

10-17 SECTION 28. Section 31.024, Education Code, is amended to
 10-18 read as follows:

10-19 Sec. 31.024. ADOPTION BY STATE BOARD OF EDUCATION. (a) By
 10-20 majority vote, the State Board of Education shall:

10-21 (1) place each submitted instructional material
 10-22 [~~textbook~~] on a conforming or nonconforming list; or

10-23 (2) reject instructional material [~~a textbook~~]
 10-24 submitted for placement on a conforming or nonconforming list.

10-25 (b) Not later than December 1 of the year preceding the
 10-26 school year for which the instructional materials [~~textbooks~~] for a
 10-27 particular subject and grade level will be purchased under the
 10-28 cycle adopted by the board under Section 31.022, the board shall
 10-29 provide the lists of adopted instructional materials [~~textbooks~~] to
 10-30 each school district. Each nonconforming list must include the
 10-31 reasons [~~an~~] adopted instructional material [~~textbook~~] is not
 10-32 eligible for the conforming list.

10-33 SECTION 29. The heading to Section 31.0241, Education Code,
 10-34 is amended to read as follows:

10-35 Sec. 31.0241. ADOPTION OF OPEN-SOURCE INSTRUCTIONAL
 10-36 MATERIALS [~~TEXTBOOKS~~].

10-37 SECTION 30. Subsections (b) and (c), Section 31.0241,
 10-38 Education Code, are amended to read as follows:

10-39 (b) The State Board of Education shall place [~~an~~]
 10-40 open-source instructional material [~~textbook~~] for a
 10-41 secondary-level course submitted for adoption by an eligible
 10-42 institution on a conforming or nonconforming list if:

10-43 (1) the instructional material [~~textbook~~] is written,
 10-44 compiled, or edited primarily by faculty of the eligible
 10-45 institution who specialize in the subject area of the instructional
 10-46 material [~~textbook~~];

10-47 (2) the eligible institution identifies each
 10-48 contributing author;

10-49 (3) the appropriate department of the eligible
 10-50 institution certifies the instructional material [~~textbook~~] for
 10-51 accuracy; and

10-52 (4) the eligible institution determines that the
 10-53 instructional material [~~textbook~~] qualifies for placement on the
 10-54 conforming or nonconforming list based on the extent to which the
 10-55 instructional material [~~textbook~~] covers the essential knowledge
 10-56 and skills identified under Section 28.002 for the subject for
 10-57 which the instructional material [~~textbook~~] is written and
 10-58 certifies that:

10-59 (A) for instructional material [~~a textbook~~] for a
 10-60 senior-level course, a student who successfully completes a course
 10-61 based on the instructional material [~~textbook~~] will be prepared,
 10-62 without remediation, for entry into the eligible institution's
 10-63 freshman-level course in that subject; or

10-64 (B) for instructional material [~~a textbook~~] for a
 10-65 junior-level and senior-level course, a student who successfully
 10-66 completes the junior-level course based on the instructional
 10-67 material [~~textbook~~] will be prepared for entry into the
 10-68 senior-level course.

10-69 (c) This section does not prohibit an eligible institution

11-1 from submitting instructional material [~~a textbook~~] for placement
 11-2 on a conforming or nonconforming list through any other adoption
 11-3 process provided by this chapter.

11-4 SECTION 31. Section 31.026, Education Code, is amended to
 11-5 read as follows:

11-6 Sec. 31.026. CONTRACT; PRICE. (a) The State Board of
 11-7 Education shall execute a contract[+]

11-8 [~~(1)~~] for the purchase [~~of each adopted textbook other~~
 11-9 ~~than an electronic textbook, and~~

11-10 [~~(2)~~ for the purchase] or licensing of each adopted
 11-11 instructional material [~~electronic textbook~~].

11-12 (b) A contract must require the publisher to provide the
 11-13 number of instructional materials [~~textbooks~~] required by school
 11-14 districts in this state for the term of the contract, which must
 11-15 coincide with the board's adoption cycle.

11-16 (c) As applicable, a contract must provide for the purchase
 11-17 or licensing of instructional material [~~a textbook~~] at a specific
 11-18 price, which may not exceed the lowest price paid by any other state
 11-19 or any school or school district. The price must be fixed for the
 11-20 term of the contract.

11-21 (d) [~~(e)~~] This section does not apply to [~~an~~] open-source
 11-22 instructional material [~~textbook~~].

11-23 SECTION 32. Section 31.0261, Education Code, is amended to
 11-24 read as follows:

11-25 Sec. 31.0261. CONTRACTS FOR PRINTING OF OPEN-SOURCE
 11-26 INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~]. The State Board of Education
 11-27 may execute a contract for the printing of [~~an~~] open-source
 11-28 instructional materials [~~textbook~~] listed on the conforming or
 11-29 nonconforming list. The contract must allow a school district to
 11-30 requisition printed copies of [~~an~~] open-source instructional
 11-31 materials [~~textbook~~] as provided by Section 31.103.

11-32 SECTION 33. Section 31.027, Education Code, is amended to
 11-33 read as follows:

11-34 Sec. 31.027. INFORMATION TO SCHOOL DISTRICTS; SAMPLE
 11-35 COPIES. (a) A publisher shall provide each school district and
 11-36 open-enrollment charter school with information that fully
 11-37 describes each of the publisher's submitted instructional
 11-38 materials [~~adopted textbooks~~]. On request of a school district, a
 11-39 publisher shall provide a sample copy in digital format of
 11-40 submitted instructional material [~~an adopted textbook~~].

11-41 (b) A publisher shall provide at least two sample copies in
 11-42 digital format of each submitted instructional material [~~adopted~~
 11-43 ~~textbook~~] to be maintained at each regional education service
 11-44 center.

11-45 (c) [~~(d)~~] This section does not apply to [~~an~~] open-source
 11-46 instructional material [~~textbook~~].

11-47 SECTION 34. Section 31.028, Education Code, is amended to
 11-48 read as follows:

11-49 Sec. 31.028. SPECIAL INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~].

11-50 (a) The commissioner [~~State Board of Education~~] may purchase
 11-51 special instructional materials [~~textbooks~~] for the education of
 11-52 blind and visually impaired students in public schools. In
 11-53 addition, for a teacher who is blind or visually impaired, the
 11-54 commissioner [~~board~~] shall provide a teacher's edition in Braille
 11-55 or large type, as requested by the teacher, for each instructional
 11-56 material [~~textbook~~] the teacher uses in the instruction of
 11-57 students. The teacher edition must be available at the same time
 11-58 the student instructional materials [~~textbooks~~] become available.

11-59 (b) The publisher of [~~an~~] adopted instructional material
 11-60 [~~textbook~~] shall provide the agency with computerized
 11-61 instructional material [~~textbook~~] files for the production of
 11-62 Braille instructional materials [~~textbooks~~] or other versions of
 11-63 instructional materials [~~textbooks~~] to be used by students with
 11-64 disabilities, on request of the commissioner [~~State Board of~~
 11-65 ~~Education~~]. A publisher shall arrange computerized instructional
 11-66 material [~~textbook~~] files in one of several optional formats
 11-67 specified by the commissioner [~~State Board of Education~~].

11-68 (c) The commissioner [~~board~~] may also enter into agreements
 11-69 providing for the acceptance, requisition, and distribution of

12-1 special instructional materials [~~textbooks~~] and instructional aids
 12-2 pursuant to 20 U.S.C. Section 101 et seq. for use by students
 12-3 enrolled in:

12-4 (1) public schools; or
 12-5 (2) private nonprofit schools, if state funds, other
 12-6 than for administrative costs, are not involved.

12-7 (d) In this section:

12-8 (1) "Blind or visually impaired student" includes any
 12-9 student whose visual acuity is impaired to the extent that the
 12-10 student is unable to read the text [~~print~~] in [~~a~~] regularly adopted
 12-11 instructional material [~~textbook~~] used in the student's class.

12-12 (2) "Special instructional material [~~textbook~~]" means
 12-13 instructional material [~~a textbook~~] in Braille, large type or any
 12-14 other medium or any apparatus that conveys information to a student
 12-15 or otherwise contributes to the learning process.

12-16 SECTION 35. Section 31.029, Education Code, is amended to
 12-17 read as follows:

12-18 Sec. 31.029. BILINGUAL INSTRUCTIONAL MATERIALS
 12-19 [~~TEXTBOOKS~~]. (a) A school district [~~The board~~] shall purchase
 12-20 with the district's instructional materials allotment or otherwise
 12-21 acquire instructional materials [~~textbooks~~] for use in bilingual
 12-22 education classes.

12-23 (b) The commissioner shall adopt rules regarding the
 12-24 purchase of instructional materials under this section.

12-25 SECTION 36. Section 31.030, Education Code, is amended to
 12-26 read as follows:

12-27 Sec. 31.030. USED INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~]. The
 12-28 State Board of Education shall adopt rules to ensure that used
 12-29 instructional materials [~~textbooks~~] sold to school districts and
 12-30 open-enrollment charter schools are not sample copies that contain
 12-31 factual errors. The rules may provide for the imposition of an
 12-32 administrative penalty in accordance with Section 31.151 against a
 12-33 seller of used instructional materials [~~textbooks~~] who knowingly
 12-34 violates this section.

12-35 SECTION 37. The heading to Section 31.035, Education Code,
 12-36 is amended to read as follows:

12-37 Sec. 31.035. SUPPLEMENTAL INSTRUCTIONAL MATERIALS
 12-38 [~~TEXTBOOKS~~].

12-39 SECTION 38. Subsections (a) through (d) and (f), Section
 12-40 31.035, Education Code, are amended to read as follows:

12-41 (a) Notwithstanding any other provision of this subchapter,
 12-42 the State Board of Education may adopt supplemental instructional
 12-43 materials [~~textbooks~~] that are not on the conforming or
 12-44 nonconforming list under Section 31.023. The State Board of
 12-45 Education may adopt [~~a~~] supplemental instructional material
 12-46 [~~textbook~~] under this section only if the instructional material
 12-47 [~~textbook~~]:

12-48 (1) contains material covering one or more primary
 12-49 focal points or primary topics of a subject in the required
 12-50 curriculum under Section 28.002, as determined by the State Board
 12-51 of Education;

12-52 (2) is not designed to serve as the sole instructional
 12-53 material [~~textbook~~] for a full course;

12-54 (3) meets applicable physical specifications adopted
 12-55 by the State Board of Education; and

12-56 (4) is free from factual errors.

12-57 (b) The State Board of Education shall identify the
 12-58 essential knowledge and skills identified under Section 28.002 that
 12-59 are covered by [~~a~~] supplemental instructional material [~~textbook~~]
 12-60 adopted by the board under this section.

12-61 (c) Supplemental instructional material [~~A supplemental~~
 12-62 ~~textbook~~] is subject to the review and adoption cycle provisions,
 12-63 including the midcycle review and adoption cycle provisions, of
 12-64 this subchapter.

12-65 (d) A school district or open-enrollment charter school may
 12-66 requisition [~~a~~] supplemental instructional material [~~textbook~~]
 12-67 adopted under this section only if the district or school, [~~+~~

12-68 [~~(1) uses textbook credits received under Section~~
 12-69 ~~31.1011 to purchase the supplemental textbook, or~~

13-1 ~~(2)~~ instead of requisitioning instructional
 13-2 material [~~a textbook~~] on the conforming list under Section 31.023
 13-3 for a course in the foundation curriculum under Section 28.002,
 13-4 requisitions the supplemental instructional material [~~textbook~~]
 13-5 along with other supplemental instructional materials [~~textbooks~~]
 13-6 or instructional materials [~~textbooks~~] on the nonconforming list
 13-7 under Section 31.023 that in combination cover each element of the
 13-8 essential knowledge and skills for the course for which the
 13-9 district or school is requisitioning the supplemental
 13-10 instructional materials [~~textbooks~~].

13-11 (f) A school district or open-enrollment charter school
 13-12 that requisitions supplemental instructional materials [~~textbooks~~
 13-13 ~~under Subsection (d)(2)~~] shall certify to the agency that the
 13-14 supplemental instructional materials [~~textbooks~~], in combination
 13-15 with any other instructional materials [~~textbooks~~] or supplemental
 13-16 instructional materials [~~textbooks~~] used by the district or school,
 13-17 cover the essential knowledge and skills identified under Section
 13-18 28.002 by the State Board of Education for the subject and grade
 13-19 level for which the district or school is requisitioning the
 13-20 supplemental instructional materials [~~textbooks~~].

13-21 SECTION 39. The heading to Subchapter B-1, Chapter 31,
 13-22 Education Code, is amended to read as follows:

13-23 SUBCHAPTER B-1. STATE-DEVELOPED OPEN-SOURCE INSTRUCTIONAL
 13-24 MATERIALS [~~TEXTBOOKS~~]

13-25 SECTION 40. Section 31.071, Education Code, is amended to
 13-26 read as follows:

13-27 Sec. 31.071. PURCHASE AUTHORITY. (a) The commissioner may
 13-28 purchase state-developed open-source instructional materials
 13-29 [~~textbooks~~] in accordance with this subchapter.

13-30 (b) The commissioner:

13-31 (1) shall purchase any state-developed open-source
 13-32 instructional materials [~~textbooks~~] through a competitive process;
 13-33 and

13-34 (2) may purchase more than one state-developed
 13-35 open-source instructional material [~~textbook~~] for a subject or
 13-36 grade level.

13-37 (c) State-developed [~~A state-developed~~] open-source
 13-38 instructional material [~~textbook~~] must be irrevocably owned by or
 13-39 licensed to the state for use in the applicable subject or grade
 13-40 level. The state must have unlimited authority to modify, delete,
 13-41 combine, or add content to the instructional material [~~textbook~~]
 13-42 after purchase.

13-43 (d) The commissioner may issue a request for proposals for
 13-44 [~~a~~] state-developed open-source instructional material [~~textbook~~]:

13-45 (1) in accordance with the instructional material
 13-46 [~~textbook~~] review and adoption cycle under Section 31.022; or

13-47 (2) at any other time the commissioner determines that
 13-48 a need exists for additional instructional material [~~textbook~~]
 13-49 options.

13-50 (e) The costs of administering this subchapter and
 13-51 purchasing state-developed open-source instructional materials
 13-52 [~~textbooks~~] shall be paid from the state instructional materials
 13-53 [~~textbook~~] fund, as determined by the commissioner and subject to
 13-54 Section 31.021.

13-55 SECTION 41. Subsections (a) and (b), Section 31.072,
 13-56 Education Code, are amended to read as follows:

13-57 (a) State-developed [~~A state-developed~~] open-source
 13-58 instructional material [~~textbook~~] must:

13-59 (1) be evaluated by teachers or other experts, as
 13-60 determined by the commissioner, before purchase; and

13-61 (2) meet the requirements for inclusion on a
 13-62 conforming or nonconforming instructional material [~~textbook~~] list
 13-63 under Section 31.023.

13-64 (b) Following a curriculum revision by the State Board of
 13-65 Education, the commissioner shall require the revision of [~~a~~]
 13-66 state-developed open-source instructional material [~~textbook~~]
 13-67 relating to that curriculum. The commissioner may, at any time,
 13-68 require an additional revision of [~~a~~] state-developed open-source
 13-69 instructional material [~~textbook~~] or contract for ongoing

14-1 revisions of state-developed instructional material [~~a textbook~~]
 14-2 for a period not to exceed the period under Section 31.022 for which
 14-3 instructional material [~~a textbook~~] for that subject and grade
 14-4 level may be adopted. The commissioner shall use a competitive
 14-5 process to request proposals to revise [~~a~~] state-developed
 14-6 open-source instructional material [~~textbook~~] under this
 14-7 subsection.

14-8 SECTION 42. The heading to Section 31.073, Education Code,
 14-9 is amended to read as follows:

14-10 Sec. 31.073. SELECTION BY SCHOOL DISTRICT [~~COST~~].

14-11 SECTION 43. Subsections (c) and (d), Section 31.073,
 14-12 Education Code, are amended to read as follows:

14-13 (c) Notwithstanding Section 31.022, a school district or
 14-14 open-enrollment charter school may adopt [~~a~~] state-developed
 14-15 open-source instructional material [~~textbook~~] at any time,
 14-16 regardless of the instructional material [~~textbook~~] review and
 14-17 adoption cycle under that section.

14-18 (d) A school district or open-enrollment charter school may
 14-19 not be charged for selection of [~~a~~] state-developed open-source
 14-20 instructional material [~~textbook~~] in addition to instructional
 14-21 material [~~a textbook~~] adopted under Subchapter B.

14-22 SECTION 44. Section 31.074, Education Code, is amended to
 14-23 read as follows:

14-24 Sec. 31.074. DISTRIBUTION. (a) The commissioner shall
 14-25 provide for the distribution of state-developed open-source
 14-26 instructional materials [~~textbooks~~] in a manner consistent with
 14-27 distribution of instructional materials [~~textbooks~~] adopted under
 14-28 Subchapter B.

14-29 (b) The commissioner may use a competitive process to
 14-30 contract for printing or other reproduction of [~~a~~] state-developed
 14-31 open-source instructional material [~~textbook~~] on behalf of a school
 14-32 district or open-enrollment charter school. The commissioner may
 14-33 not require a school district or open-enrollment charter school to
 14-34 contract with a state-approved provider for the printing or
 14-35 reproduction of [~~a~~] state-developed open-source instructional
 14-36 material [~~textbook~~].

14-37 SECTION 45. Section 31.075, Education Code, is amended to
 14-38 read as follows:

14-39 Sec. 31.075. OWNERSHIP; LICENSING. (a) State-developed
 14-40 [~~A state-developed~~] open-source instructional material [~~textbook~~]
 14-41 is the property of the state.

14-42 (b) The commissioner shall provide a license to each public
 14-43 school in the state, including a school district, an
 14-44 open-enrollment charter school, and a state or local agency
 14-45 educating students in any grade from prekindergarten through high
 14-46 school, to use and reproduce [~~a~~] state-developed open-source
 14-47 instructional material [~~textbook~~].

14-48 (c) The commissioner may provide a license to use [~~a~~]
 14-49 state-developed open-source instructional material [~~textbook~~] to
 14-50 an entity not listed in Subsection (b). In determining the cost of
 14-51 a license under this subsection, the commissioner shall seek, to
 14-52 the extent feasible, to recover the costs of developing, revising,
 14-53 and distributing state-developed open-source instructional
 14-54 materials [~~textbooks~~].

14-55 SECTION 46. Subsection (b), Section 31.076, Education Code,
 14-56 is amended to read as follows:

14-57 (b) A decision by the commissioner regarding the purchase,
 14-58 revision, cost, or distribution of [~~a~~] state-developed open-source
 14-59 instructional material [~~textbook~~] is final and may not be appealed.

14-60 SECTION 47. Section 31.077, Education Code, is amended to
 14-61 read as follows:

14-62 Sec. 31.077. ADOPTION SCHEDULE. The commissioner shall
 14-63 develop a schedule for the adoption of state-developed open-source
 14-64 instructional materials [~~textbooks~~] under this subchapter. In
 14-65 developing the adoption schedule under this section, the
 14-66 commissioner shall consider:

- 14-67 (1) the availability of funds;
- 14-68 (2) the existing instructional material [~~textbook~~]
 14-69 adoption cycles under Subchapter B; and

15-1 (3) the availability of instructional materials
 15-2 [~~textbooks~~] for development or purchase by the state.

15-3 SECTION 48. The heading to Section 31.101, Education Code,
 15-4 is amended to read as follows:

15-5 Sec. 31.101. SELECTION AND PURCHASE OF INSTRUCTIONAL
 15-6 MATERIALS [~~TEXTBOOKS~~] BY SCHOOL DISTRICTS.

15-7 SECTION 49. Section 31.101, Education Code, is amended by
 15-8 amending Subsections (a), (d), and (e) and adding Subsection (f) to
 15-9 read as follows:

15-10 (a) Each year, during a period established by the State
 15-11 Board of Education, the board of trustees of each school district
 15-12 and the governing body of each open-enrollment charter school
 15-13 shall:

15-14 (1) for a subject in the foundation curriculum, notify
 15-15 the State Board of Education of the instructional materials
 15-16 [~~textbooks~~] selected by the board of trustees or governing body for
 15-17 the following school year from among the instructional materials
 15-18 [~~textbooks~~] on the appropriate conforming or nonconforming list,
 15-19 including the list adopted under Section 31.0231; or

15-20 (2) for a subject in the enrichment curriculum:

15-21 (A) notify the State Board of Education of each
 15-22 instructional material [~~textbook~~] selected by the board of trustees
 15-23 or governing body for the following school year from among the
 15-24 instructional materials [~~textbooks~~] on the appropriate conforming
 15-25 or nonconforming list, including the list adopted under Section
 15-26 31.0231; or

15-27 (B) notify the State Board of Education that the
 15-28 board of trustees or governing body has selected instructional
 15-29 material [~~a textbook~~] that is not on the conforming or
 15-30 nonconforming list.

15-31 (d) For instructional material [~~a textbook~~] that is not on
 15-32 the conforming or nonconforming list, a school district or
 15-33 open-enrollment charter school must use the instructional material
 15-34 [~~textbook~~] for the period of the review and adoption cycle the State
 15-35 Board of Education has established for the subject and grade level
 15-36 for which the instructional material [~~textbook~~] is used.

15-37 (e) A school district or open-enrollment charter school
 15-38 that selects [~~a~~] subscription-based [~~electronic textbook or~~]
 15-39 instructional material on the conforming list under Section 31.023
 15-40 or electronic instructional material on the list adopted by the
 15-41 commissioner under Section 31.0231 may cancel the subscription and
 15-42 subscribe to [~~a~~] new [~~electronic textbook or~~] instructional
 15-43 material on the conforming list under Section 31.023 or electronic
 15-44 instructional material on the list adopted by the commissioner
 15-45 under Section 31.0231 before the end of the state contract period
 15-46 under Section 31.026 if:

15-47 (1) the district or school has used the [~~electronic~~
 15-48 ~~textbook or~~] instructional material for at least one school year;
 15-49 and

15-50 (2) the agency approves the change based on a written
 15-51 request to the agency by the district or school that specifies the
 15-52 reasons for changing the [~~electronic textbook or~~] instructional
 15-53 material used by the district or school.

15-54 (f) The commissioner shall maintain an online requisition
 15-55 system for school districts to requisition instructional materials
 15-56 to be purchased with the district's instructional materials
 15-57 allotment.

15-58 SECTION 50. Section 31.102, Education Code, is amended to
 15-59 read as follows:

15-60 Sec. 31.102. TITLE AND CUSTODY. (a) Except as provided by
 15-61 Subsection (d), printed instructional material [~~Each textbook~~]
 15-62 purchased as provided by this chapter is the property of this state.
 15-63 Any electronic instructional material or technological equipment
 15-64 purchased with a school district's instructional materials
 15-65 allotment is the property of the school district.

15-66 (b) Subsection (a) applies to [~~an~~] electronic instructional
 15-67 material [~~textbook~~] only to the extent of any applicable licensing
 15-68 agreement.

15-69 (c) The board of trustees of a school district or the

16-1 governing body of an open-enrollment charter school is the legal
 16-2 custodian of printed instructional materials [~~textbooks~~] purchased
 16-3 as provided by this chapter for the district or school. The board
 16-4 of trustees shall distribute printed instructional materials
 16-5 [~~textbooks~~] to students in the manner that the board or governing
 16-6 body determines is most effective and economical.

16-7 (d) Printed instructional material purchased with a school
 16-8 district's instructional materials allotment becomes the property
 16-9 of the district on the date the printed instructional material is
 16-10 discontinued for use in the public schools by the State Board of
 16-11 Education or the commissioner.

16-12 SECTION 51. The heading to Section 31.103, Education Code,
 16-13 is amended to read as follows:

16-14 Sec. 31.103. INSTRUCTIONAL MATERIAL [~~TEXTBOOK~~]
 16-15 REQUISITIONS.

16-16 SECTION 52. Subsections (b), (c), and (d), Section 31.103,
 16-17 Education Code, are amended to read as follows:

16-18 (b) [~~A requisition for textbooks for the following school~~
 16-19 ~~year shall be based on the maximum attendance reports under~~
 16-20 ~~Subsection (a), plus an additional 10 percent, except as otherwise~~
 16-21 ~~provided.] A school district or open-enrollment charter school~~
 16-22 ~~shall make a requisition for instructional material using the~~
 16-23 ~~online requisition program maintained by [a textbook on the~~
 16-24 ~~conforming or nonconforming list through] the commissioner [to the~~
 16-25 ~~state depository designated by the publisher or as provided by~~
 16-26 ~~State Board of Education rule, as applicable,] not later than June 1~~
 16-27 ~~of each year. The [designated state depository or, if the publisher~~
 16-28 ~~or manufacturer does not have a designated textbook depository in~~
 16-29 ~~this state under Section 31.151(a)(6)(B), the] publisher or~~
 16-30 ~~manufacturer shall fill a requisition approved by the agency [at~~
 16-31 ~~any other time in the case of an emergency]. [As made necessary by~~
 16-32 ~~available funds, the commissioner shall reduce the additional~~
 16-33 ~~percentage of attendance for which a district or school may~~
 16-34 ~~requisition textbooks. The commissioner may, on application of a~~
 16-35 ~~district or school that is experiencing high enrollment growth,~~
 16-36 ~~increase the additional percentage of attendance for which the~~
 16-37 ~~district or school may requisition textbooks.]~~

16-38 (c) In making a requisition under this section, a school
 16-39 district or open-enrollment charter school may requisition
 16-40 instructional materials [~~textbooks~~] on the conforming or
 16-41 nonconforming list for grades above the grade level in which a
 16-42 student is enrolled[, ~~except that the total quantity of textbooks~~
 16-43 ~~requisitioned under this section may not exceed the limit~~
 16-44 ~~prescribed by Subsection (b)].~~

16-45 (d) A school district or open-enrollment charter school
 16-46 that selects [~~an~~] open-source instructional material [~~textbook~~]
 16-47 shall requisition a sufficient number of printed copies for use by
 16-48 students unable to access the instructional material [~~textbook~~]
 16-49 electronically unless the district or school provides to each
 16-50 student:

16-51 (1) electronic access to the instructional material
 16-52 [~~textbook~~] at no cost to the student; or

16-53 (2) printed copies of the portion of the instructional
 16-54 material [~~textbook~~] that will be used in the course.

16-55 SECTION 53. Section 31.1031, Education Code, is amended to
 16-56 read as follows:

16-57 Sec. 31.1031. SHORTAGE OF REQUISITIONED PRINTED
 16-58 INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~]. If a school district or
 16-59 open-enrollment charter school does not have a sufficient number of
 16-60 copies of printed instructional materials [~~a textbook~~] used by the
 16-61 district or school for use during the following school year, and a
 16-62 sufficient number of additional copies will not be available from
 16-63 the [~~depository or the] publisher within the time specified by~~
 16-64 ~~Section 31.151(a)(8), the district or school is entitled to[+~~

16-65 [~~(1) be reimbursed from the state textbook fund, at a~~
 16-66 ~~rate and in the manner provided by State Board of Education rule,~~
 16-67 ~~for the purchase of a sufficient number of used adopted textbooks,~~
 16-68 ~~or~~

16-69 [~~(2)] return currently used printed instructional~~

17-1 materials [~~textbooks~~] to the commissioner in exchange for
 17-2 sufficient copies, if available, of other printed instructional
 17-3 materials [~~textbooks~~] on the conforming or nonconforming list to be
 17-4 used during the following school year.

17-5 SECTION 54. Section 31.104, Education Code, is amended to
 17-6 read as follows:

17-7 Sec. 31.104. DISTRIBUTION AND HANDLING. (a) The board of
 17-8 trustees of a school district or the governing body of an
 17-9 open-enrollment charter school may delegate to an employee the
 17-10 authority to requisition, distribute, and manage the inventory of
 17-11 instructional materials [~~textbooks~~] in a manner consistent with
 17-12 this chapter and rules adopted under this chapter.

17-13 (b) A school district or open-enrollment charter school may
 17-14 order replacements for instructional materials [~~textbooks~~] that
 17-15 have been lost or damaged directly from[+]

17-16 [~~(1) the textbook depository,~~
 17-17 [~~(2)~~] the [~~textbook~~] publisher of the instructional
 17-18 materials or [~~manufacturer if the textbook publisher or~~
 17-19 ~~manufacturer does not have a designated textbook depository in this~~
 17-20 ~~state under Section 31.151(a)(6)(B), or~~

17-21 [~~(3)~~] any source for a printed copy of [~~an~~]
 17-22 open-source instructional material [~~textbook~~].

17-23 (c) Each instructional material [~~textbook~~] must state that
 17-24 the instructional material [~~textbook~~] is the property of or is
 17-25 licensed to this state or the school district, as appropriate. Each
 17-26 instructional material [~~textbook~~], other than [~~an~~] electronic
 17-27 instructional material [~~textbook~~] or a printed copy of [~~an~~]
 17-28 open-source instructional material [~~textbook~~], must be covered by
 17-29 the student under the direction of the teacher. Except as provided
 17-30 by Subsection (g), a student must return all instructional
 17-31 materials [~~textbooks~~] to the teacher at the end of the school year
 17-32 or when the student withdraws from school.

17-33 (d) Each student, or the student's parent or guardian, is
 17-34 responsible for all instructional materials [~~each textbook,~~
 17-35 ~~including an electronic textbook,~~] and [~~all~~] technological
 17-36 equipment not returned in an acceptable condition by the
 17-37 student. A student who fails to return in an acceptable condition
 17-38 all instructional materials [~~textbooks, including electronic~~
 17-39 ~~textbooks,~~] and technological equipment forfeits the right to free
 17-40 instructional materials [~~textbooks, including electronic~~
 17-41 ~~textbooks,~~] and technological equipment until all instructional
 17-42 materials [~~each textbook, including an electronic textbook,~~] and
 17-43 [~~all~~] technological equipment previously issued but not returned in
 17-44 an acceptable condition are [~~is~~] paid for by the student, parent, or
 17-45 guardian. As provided by policy of the board of trustees or
 17-46 governing body, a school district or open-enrollment charter school
 17-47 may waive or reduce the payment requirement if the student is from a
 17-48 low-income family. The district or school shall allow the student
 17-49 to use instructional materials [~~textbooks, including electronic~~
 17-50 ~~textbooks,~~] and technological equipment at school during each
 17-51 school day. If instructional materials [~~a textbook, including an~~
 17-52 ~~electronic textbook,~~] or technological equipment is not returned in
 17-53 an acceptable condition or paid for, the district or school may
 17-54 withhold the student's records. A district or school may not, under
 17-55 this subsection, prevent a student from graduating, participating
 17-56 in a graduation ceremony, or receiving a diploma. The commissioner
 17-57 by rule shall adopt criteria for determining whether instructional
 17-58 materials [~~a textbook, including an electronic textbook,~~] and
 17-59 technological equipment are returned in an acceptable condition.

17-60 (e) The board of trustees of a school district may not
 17-61 require an employee of the district who acts in good faith to pay
 17-62 for instructional materials [~~a textbook, electronic textbook,~~] or
 17-63 technological equipment that is damaged, stolen, misplaced, or not
 17-64 returned. A school district employee may not waive this provision
 17-65 by contract or any other means, except that a district may enter
 17-66 into a written agreement with a school employee whereby the
 17-67 employee assumes financial responsibility for electronic
 17-68 instructional material [~~textbook~~] or technological equipment usage
 17-69 off school property or outside of a school-sponsored event in

18-1 consideration for the ability of the school employee to use the
 18-2 electronic instructional material [~~textbook~~] or technological
 18-3 equipment for personal business. Such a written agreement shall be
 18-4 separate from the employee's contract of employment, if applicable,
 18-5 and shall clearly inform the employee of the amount of the financial
 18-6 responsibility and advise the employee to consider obtaining
 18-7 appropriate insurance. An employee may not be required to agree to
 18-8 such an agreement as a condition of employment.

18-9 (g) At the end of the school year for which [~~an~~] open-source
 18-10 instructional material [~~textbook~~] that a school district or
 18-11 open-enrollment charter school does not intend to use for another
 18-12 student is distributed, the printed copy of the open-source
 18-13 instructional material [~~textbook~~] becomes the property of the
 18-14 student to whom it is distributed.

18-15 (h) This section does not apply to an electronic copy of
 18-16 [~~an~~] open-source instructional material [~~textbook~~].

18-17 SECTION 55. Section 31.105, Education Code, is amended to
 18-18 read as follows:

18-19 Sec. 31.105. SALE OR DISPOSAL OF INSTRUCTIONAL MATERIALS
 18-20 AND TECHNOLOGICAL EQUIPMENT [~~TEXTBOOKS~~]. (a) The board of
 18-21 trustees of a school district or governing body of an
 18-22 open-enrollment charter school may sell printed instructional
 18-23 materials on the date the instructional material is discontinued
 18-24 for use in the public schools by the State Board of Education or the
 18-25 commissioner. The board of trustees or governing body may also sell
 18-26 electronic instructional materials and technological equipment
 18-27 owned by the district or school. Any funds received by a district
 18-28 or school from a sale authorized by this subsection must be used to
 18-29 purchase instructional materials and technological equipment
 18-30 allowed under Section 31.0211 [~~textbooks, other than electronic~~
 18-31 ~~textbooks, to a student or another school at the state contract~~
 18-32 ~~price. The district shall send money from the sale of textbooks to~~
 18-33 ~~the commissioner as required by the commissioner. The commissioner~~
 18-34 ~~shall deposit the money in the state textbook fund].~~

18-35 (b) The board of trustees of a school district or the
 18-36 governing body of an open-enrollment charter school shall determine
 18-37 how the district or school will dispose of discontinued printed
 18-38 instructional materials, electronic instructional materials, and
 18-39 technological equipment.

18-40 (c) The board of trustees of a school district or the
 18-41 governing body of an open-enrollment charter school shall notify
 18-42 the commissioner that the district or school intends to sell or
 18-43 otherwise dispose of instructional material as authorized by this
 18-44 section.

18-45 SECTION 56. Section 31.106, Education Code, is amended to
 18-46 read as follows:

18-47 Sec. 31.106. USE OF LOCAL FUNDS. In addition to any
 18-48 instructional material [~~textbook~~] selected under this chapter, a
 18-49 school district or open-enrollment charter school may use local
 18-50 funds to purchase any instructional materials [~~textbooks~~].

18-51 SECTION 57. Subsections (a) and (d), Section 31.151,
 18-52 Education Code, are amended to read as follows:

18-53 (a) A publisher or manufacturer of instructional materials
 18-54 [~~textbooks~~]:

18-55 (1) shall furnish any instructional material
 18-56 [~~textbook~~] the publisher or manufacturer offers in this state^[7] at
 18-57 a price that does not exceed the lowest price at which the publisher
 18-58 offers that instructional material [~~textbook~~] for adoption or sale
 18-59 to any state, public school, or school district in the United
 18-60 States;

18-61 (2) shall automatically reduce the price of
 18-62 instructional material [~~a textbook~~] sold for use in a school
 18-63 district or open-enrollment charter school to the extent that the
 18-64 price is reduced elsewhere in the United States;

18-65 (3) shall provide any instructional material
 18-66 [~~textbook~~] or ancillary item free of charge in this state to the
 18-67 same extent that the publisher or manufacturer provides the
 18-68 instructional material [~~textbook~~] or ancillary item free of charge
 18-69 to any state, public school, or school district in the United

19-1 States;

19-2 (4) shall guarantee that each copy of instructional
 19-3 material [~~a textbook~~] sold in this state is at least equal in
 19-4 quality to copies of that instructional material [~~textbook~~] sold
 19-5 elsewhere in the United States and is free from factual error;

19-6 (5) may not become associated or connected with,
 19-7 directly or indirectly, any combination in restraint of trade in
 19-8 instructional materials [~~textbooks~~] or enter into any
 19-9 understanding or combination to control prices or restrict
 19-10 competition in the sale of instructional materials [~~textbooks~~] for
 19-11 use in this state;

19-12 (6) shall[+
 19-13 [~~(A) maintain a depository in this state or~~
 19-14 ~~arrange with a depository in this state to receive and fill orders~~
 19-15 ~~for textbooks, other than open-source textbooks, on-line~~
 19-16 ~~textbooks, or on-line textbook components, consistent with State~~
 19-17 ~~Board of Education rules; or~~

19-18 [~~(B)~~] deliver instructional materials
 19-19 [~~textbooks~~] to a school district or open-enrollment charter school
 19-20 without a delivery charge to the school district, open-enrollment
 19-21 charter school, or state[~~, if:~~

19-22 [~~(i) the publisher or manufacturer does not~~
 19-23 ~~maintain or arrange with a depository in this state under Paragraph~~
 19-24 ~~(A) and the publisher's or manufacturer's textbooks and related~~
 19-25 ~~products are warehoused or otherwise stored less than 300 miles~~
 19-26 ~~from a border of this state; or~~

19-27 [~~(ii) the textbooks are open-source~~
 19-28 ~~textbooks, on-line textbooks, or on-line textbook components];~~

19-29 (7) shall, at the time an order for instructional
 19-30 materials [~~textbooks~~] is acknowledged, provide to school districts
 19-31 or open-enrollment charter schools an accurate shipping date for
 19-32 instructional materials [~~textbooks~~] that are back-ordered;

19-33 (8) shall guarantee delivery of instructional
 19-34 materials [~~textbooks~~] at least 10 business days before the opening
 19-35 day of school of the year for which the instructional materials
 19-36 [~~textbooks~~] are ordered if the instructional materials [~~textbooks~~]
 19-37 are ordered by a date specified in the sales contract; and

19-38 (9) shall submit to the State Board of Education an
 19-39 affidavit certifying any instructional material [~~textbook~~] the
 19-40 publisher or manufacturer offers in this state to be free of factual
 19-41 errors at the time the publisher executes the contract required by
 19-42 Section 31.026.

19-43 (d) A penalty collected under this section shall be
 19-44 deposited to the credit of the state instructional materials
 19-45 [~~textbook~~] fund.

19-46 SECTION 58. The heading to Section 31.152, Education Code,
 19-47 is amended to read as follows:

19-48 Sec. 31.152. ACCEPTING REBATE ON [~~TEXTBOOKS, ELECTRONIC~~
 19-49 ~~TEXTBOOKS,~~] INSTRUCTIONAL MATERIALS[~~7~~] OR TECHNOLOGICAL EQUIPMENT.

19-50 SECTION 59. Subsections (a), (b), and (d), Section 31.152,
 19-51 Education Code, are amended to read as follows:

19-52 (a) A school trustee, administrator, or teacher commits an
 19-53 offense if that person receives any commission or rebate on any
 19-54 [~~textbooks, electronic textbooks,~~] instructional materials[~~7~~] or
 19-55 technological equipment used in the schools with which the person
 19-56 is associated as a trustee, administrator, or teacher.

19-57 (b) A school trustee, administrator, or teacher commits an
 19-58 offense if the person accepts a gift, favor, or service that:

19-59 (1) is given to the person or the person's school;

19-60 (2) might reasonably tend to influence a trustee,
 19-61 administrator, or teacher in the selection of [~~a textbook,~~
 19-62 ~~electronic textbook,~~] instructional material[~~7~~] or technological
 19-63 equipment; and

19-64 (3) could not be lawfully purchased with state
 19-65 instructional materials funds [~~from the state textbook fund~~].

19-66 (d) In this section, "gift, favor, or service" does not
 19-67 include:

19-68 (1) staff development, in-service, or teacher
 19-69 training; or

20-1 (2) ancillary [instructional] materials, such as maps
 20-2 or worksheets, that convey information to the student or otherwise
 20-3 contribute to the learning process.

20-4 SECTION 60. The heading to Section 31.153, Education Code,
 20-5 is amended to read as follows:

20-6 Sec. 31.153. VIOLATION OF FREE INSTRUCTIONAL MATERIALS
 20-7 ~~[TEXTBOOK]~~ LAW.

20-8 SECTION 61. Subsection (a), Section 31.153, Education Code,
 20-9 is amended to read as follows:

20-10 (a) A person commits an offense if the person knowingly
 20-11 violates any law providing for the purchase or distribution of free
 20-12 instructional materials [textbooks] for the public schools.

20-13 SECTION 62. Subsection (b), Section 39.303, Education Code,
 20-14 is amended to read as follows:

20-15 (b) For a student who failed to perform satisfactorily as
 20-16 determined under either performance standard under Section 39.0241
 20-17 on an assessment instrument administered under Section 39.023(a),
 20-18 (c), or (l), the school district shall include in the notice
 20-19 specific information relating to access to ~~[online]~~ educational
 20-20 resources at the appropriate assessment instrument content level,
 20-21 including ~~[educational resources described by Section 32.252(b)(2)~~
 20-22 ~~and]~~ assessment instrument questions and answers released under
 20-23 Section 39.023(e).

20-24 SECTION 63. Subsection (c), Section 41.124, Education Code,
 20-25 is amended to read as follows:

20-26 (c) A school district that receives tuition for a student
 20-27 from a school district with a wealth per student that exceeds the
 20-28 equalized wealth level may not claim attendance for that student
 20-29 for purposes of Chapters 42 and 46 and the instructional materials
 20-30 ~~[technology]~~ allotment under Section 31.0211 ~~[31.021(b)(2)]~~.

20-31 SECTION 64. Subsection (b), Section 43.001, Education Code,
 20-32 as amended by Chapters 201 (H.B. 3459) and 328 (S.B. 206), Acts of
 20-33 the 78th Legislature, Regular Session, 2003, is reenacted to read
 20-34 as follows:

20-35 (b) The available school fund, which shall be apportioned
 20-36 annually to each county according to its scholastic population,
 20-37 consists of:

20-38 (1) the distributions to the fund from the permanent
 20-39 school fund as provided by Section 5(a), Article VII, Texas
 20-40 Constitution;

20-41 (2) one-fourth of all revenue derived from all state
 20-42 occupation taxes, exclusive of delinquencies and cost of
 20-43 collection;

20-44 (3) one-fourth of revenue derived from state gasoline
 20-45 and special fuels excise taxes as provided by law; and

20-46 (4) all other appropriations to the available school
 20-47 fund made by the legislature for public school purposes.

20-48 SECTION 65. Section 43.001, Education Code, is amended by
 20-49 adding Subsection (d) to read as follows:

20-50 (d) Each year the State Board of Education shall set aside
 20-51 an amount equal to 50 percent of the annual distribution for that
 20-52 year from the permanent school fund to the available school fund as
 20-53 provided by Section 5(a), Article VII, Texas Constitution, to be
 20-54 placed, subject to the General Appropriations Act, in the state
 20-55 instructional materials fund established under Section 31.021.

20-56 SECTION 66. The following provisions of the Education Code
 20-57 are repealed:

20-58 (1) Subdivision (3), Section 31.002;
 20-59 (2) Subsections (b), (e), and (f), Section 31.021;
 20-60 (3) Subsection (d), Section 31.022;
 20-61 (4) Section 31.0222;
 20-62 (5) Section 31.025;
 20-63 (6) Subsections (e) and (g), Section 31.035;
 20-64 (7) Subsection (c), Section 31.072;
 20-65 (8) Subsections (a) and (b), Section 31.073;
 20-66 (9) Subsections (b), (b-1), (c), and (c-1), Section

20-67 31.101;

20-68 (10) Section 31.1011;

20-69 (11) Subsections (a) and (e), Section 31.103;

- 21-1 (12) Subchapter E, Chapter 31;
- 21-2 (13) Section 32.005;
- 21-3 (14) Sections 32.251 through 32.257; and
- 21-4 (15) Sections 32.259 through 32.263.
- 21-5 SECTION 67. This Act takes effect September 1, 2012.

21-6

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